

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GERDA ZINNER, ET AL.,)
)
Plaintiffs,)
)
v.) Civil Action No. 3:23-cv-00535
)
STATE OF TENNESSEE, ET AL.) Judge Aleta A. Trauger
)
Defendants.)

**MOTION TO DISMISS BY DEFENDANTS STATE OF TENNESSEE,
STATE INSURANCE COMMITTEE AND ITS MEMBERS,
LOCAL EDUCATION INSURANCE COMMITTEE AND ITS MEMBERS,
DEPARTMENT OF FINANCE AND ADMINISTRATION,
DFA COMMISSIONER JIM BRYSON,
UNIVERSITY OF TENNESSEE, AND UT PRESIDENT RANDY BOYD**

Defendants State of Tennessee; the State Insurance Committee and its Members, in their official capacities (Jim Bryson, David Lillard, Jason Mumpower, Carter Lawrence, Juan Williams, Bo Watson, Patsy Hazelwood, Michelle Consiglio-Young, Judi Knecht, Terry Carroll, Holly Girgies); the Local Education Insurance Committee and its Members, in their official capacities (Jim Bryson, David Lillard, Jason Mumpower, Carter Lawrence, Maryanne Durski, Kristy Baddour, Erin Johnson, and Jennifer White); the Tennessee Department of Finance and Administration (“DFA”) and Commissioner Jim Bryson, in his official capacity; and the University of Tennessee (“UT”) and President Randy Boyd, in his official capacity, by and through counsel, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that Plaintiffs’ Complaint against them be dismissed.

As discussed more fully in Defendants’ separate Memorandum of Law, Plaintiffs fail to state a claim upon which relief can be granted as to their claims against each of these Defendants under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution; Title VII, 42 U.S.C. § 2000e, et seq.; and Title IX, 20 U.S.C. § 1681, et seq.

Certain claims against these Defendants are also barred on procedural grounds. Zinner lacks standing to assert any claims against UT or President Boyd due to the absence of causation and redressability. VanNess lacks standing to assert a § 1983 equal-protection claim against the State Defendants because that claim is moot and barred by sovereign immunity. And Plaintiffs’ claims under Title VII and Title IX are untimely.

Accordingly, these Defendants respectfully request the Court to grant their motion and to dismiss each of Plaintiffs’ claims against them with prejudice as a matter of law.

Dated: August 8, 2023

Respectfully submitted,

/s/ Steven J. Griffin

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2023, the undersigned filed the foregoing document using the Court's Electronic Court-Filing system, which sent notice of filing to the following counsel of record:

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Respectfully submitted,

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